

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**LAURA L. GALOUSIN, aka
LAURA L. BAKER**

Registered Nurse License No. 392223
Public Health Nurse Certificate No. 47458

Respondent.

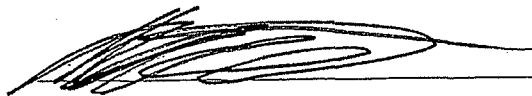
Case No. 2012-163
OAH No. 2011091113

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 3, 2012.

IT IS SO ORDERED this July 3, 2012.



Erin Niemel
Temporary Chair
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPA VASSILIOU
Deputy Attorney General
4 State Bar No. 196360
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2199
Facsimile: (510) 622-2270
7 E-mail: Aspasia.Papavassiliou@doj.ca.gov
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2012-163

12 **LAURA L. GALOUSIN**
13 **a.k.a. LAURA L. BAKER**
1385 Skyline Boulevard
14 Woodside, CA 94062

OAH No. 2011091113

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Registered Nurse License No. 392223**
16 **Public Health Nurse Certificate No. 47458**

17 Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
22 Registered Nursing. She brought this action solely in her official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Aspasia A.
24 Papavassiliou, Deputy Attorney General.

25 2. Laura L. Galousin, also known as Laura L. Baker, (Respondent) is representing
26 herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about August 31, 1985, the Board of Registered Nursing issued Registered
28 Nurse License No. 392223 to Respondent. The Registered Nurse License was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 2012-163 and will expire on
2 December 31, 2012, unless renewed.

3 4. On or about April 30, 1991, the Board of Registered Nursing issued Public Health
4 Nurse Certificate No. 47458 to Respondent. The Public Health Nurse Certificate was in full force
5 and effect at all times relevant to the charges brought in Accusation No. 2012-163 and will expire
6 on December 31, 2012, unless renewed.

7 JURISDICTION

8 5. Accusation No. 2012-163 was filed before the Board of Registered Nursing (Board),
9 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
10 and all other statutorily required documents were properly served on Respondent on September
11 19, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
12 Accusation No. 2012-163 is attached as Exhibit A and incorporated by reference.

13 ADVISEMENT AND WAIVERS

14 6. Respondent has carefully read, and understands the charges and allegations in
15 Accusation No. 2012-163. Respondent also has carefully read, and understands the effects of this
16 Stipulated Surrender of License and Order.

17 7. Respondent is fully aware of her legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
19 her own expense; the right to confront and cross-examine the witnesses against her; the right to
20 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
21 compel the attendance of witnesses and the production of documents; the right to reconsideration
22 and court review of an adverse decision; and all other rights accorded by the California
23 Administrative Procedure Act and other applicable laws.

24 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

26 CULPABILITY

27 9. Respondent understands that the charges and allegations in Accusation No. 2012-163,
28 if proven at a hearing, constitute cause for imposing discipline upon her Registered Nurse License

1 and Public Health Nurse Certificate.

2 10. For the purpose of resolving the Accusation without the expense and uncertainty of
3 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
4 basis for the charges in the Accusation and that those charges constitute cause for discipline.
5 Respondent gives up her right to contest that cause for discipline exists based on those charges.

6 11. Respondent understands that by signing this stipulation she enables the Board to issue
7 an order accepting the surrender of her Registered Nurse License and Public Health Nurse
8 certificate without further process.

9 RESERVATION

10 12. The admissions made by Respondent in this stipulation are only for the purposes of
11 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
12 professional licensing agency is involved, and shall not be admissible in any other criminal or
13 civil proceeding.

14 CONTINGENCY

15 13. This stipulation shall be subject to approval by the Board of Registered Nursing.
16 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
17 Registered Nursing may communicate directly with the Board regarding this stipulation and
18 surrender, without notice to or participation by Respondent. By signing the stipulation,
19 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
20 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
21 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be
22 of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
23 between the parties, and the Board shall not be disqualified from further action by having
24 considered this matter.

25 14. The parties understand and agree that facsimile copies of this Stipulated Surrender of
26 License and Order, including facsimile signatures, shall have the same force and effect as the
27 originals.
28

15. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. In consideration of the above admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS ORDERED that Registered Nurse License No. 392223 and Public Health Nurse Certificate No. 47458 issued to Respondent Laura L. Galousin, also known as Laura L. Baker, are surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and Public Health Nurse Certificate and the acceptance of the surrendered license and certificate by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Registered Nursing.

2. Respondent shall lose all rights and privileges as a registered nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate, on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in _____

Accusation No. 2012-163 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

6. Respondent shall not apply for licensure or petition for reinstatement for one (1) year from the effective date of the Board of Registered Nursing's Decision and Order.

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License and Public Health Nurse Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

1/3/12

LAURA L. GALOUSIN
a.k.a. LAURA L. BAKER
Respondent

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: March 8, 2012

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General

ASPASIA A. PAPAVASSILIOU
Deputy Attorney General
Attorneys for Complainant

* I respectfully submit this acceptance, with the following exception: I did not knowingly or willingly take any drugs not prescribed by my doctor. Laura J. Balonson

Stipulated Surrender of License (Case No. 2012-163)

Exhibit A

Accusation No. 2012-163

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPAVALASSIOU
Deputy Attorney General
4 State Bar No. 196360
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2199
Facsimile: (510) 622-2270
7 E-mail: Aspasia.Papavassiliou@doj.ca.gov
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2012-163**

12 **LAURA L. GALOUSIN**
13 **a.k.a. LAURA L. BAKER**
1385 Skyline Blvd.
14 Woodside, CA 94062

A C C U S A T I O N

15 **Registered Nurse License No. 392223**
16 **Public Health Nurse Certificate No. 47458**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 31, 1985, the Board of Registered Nursing issued Registered
24 Nurse License Number 392223 to Laura L. Galousin, also known as Laura L. Baker
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought in this Accusation and will expire on December 31, 2012, unless renewed.

27 3. On or about April 30, 1991, the Board of Registered Nursing issued Public Health
28 Nurse Certificate Number 47458 to Laura L. Galousin, also known as Laura L. Baker

(Respondent). The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2012, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive a Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

8. Section 2761, subdivision (a), of the Code provides that the Board may take disciplinary action against a certified or licensed nurse for unprofessional conduct.

9. Section 2762 of the Code states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

1 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
2 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
3 administer to another, any controlled substance as defined in Division 10 (commencing with
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
5 defined in Section 4022.

6 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her
10 ability to conduct with safety to the public the practice authorized by his or her license."

11 COST RECOVERY

12 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
13 administrative law judge to direct a licensee found to have committed a violation or violations of
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15 enforcement of the case.

16 DRUGS

17 11. Nordiazepam is a Schedule IV controlled substance under Health and Safety Code
18 section 11057, subdivision (d)(9), and a dangerous drug under Code section 4022. Nordiazepam
19 is also known by the brand name Valium and is used in treatment for anxiety, insomnia, and relief
20 of agitation, shakiness, and hallucinations during alcohol withdrawal.

21 12. Oxazepam is a Schedule IV controlled substance under Health and Safety Code
22 section 11057, subdivision (d)(23), and a dangerous drug under Code section 4022. Oxazepam is
23 also known by the brand name Seraz and is used in treatment for anxiety and alcohol withdrawal
24 symptoms.

25 13. Temazepam is a Schedule IV controlled substance under Health and Safety Code
26 section 11057, subdivision (d)(29), and a dangerous drug under Code section 4022. Temazepam
27 is also known by the brand name Restoril and is used in treatment for insomnia.

1 FACTUAL BACKGROUND

2 14. On or about January 27, 2009, Respondent's supervisor at Lucile Salter Children's
3 Hospital in Palo Alto received a complaint from Respondent's coworkers that Respondent
4 appeared intoxicated. The supervisor discussed the allegations with Respondent on or about
5 January 28, 2009, and Respondent agreed that if there were further complaints, she would submit
6 to alcohol testing.

7 15. During or about the last week of March 2009, Respondent's behavior deteriorated.
8 She came in late without calling and left the hospital during the day to take more breaks than
9 usual.

10 16. On or about April 2, 2009, Respondent's shift started at 7:00 a.m. She hosted an off-
11 site event for the hospital's residency program and returned at approximately some time between
12 11:00 a.m. and noon. At approximately 12:30 p.m., co-workers reported to Respondent's
13 supervisor that Respondent smelled of alcohol. The supervisor met with Respondent, who
14 submitted to an alcohol test.

15 17. On April 6, 2009, the supervisor informed Respondent of the test results (Respondent
16 tested as having a blood alcohol level of approximately .10 percent) and Respondent admitted that
17 she drank vodka at approximately 4:00 a.m. prior to her shift that began on 7:00 a.m. on April 2,
18 2009. On or around April 16, 2009, Respondent was allowed to submit her resignation instead of
19 being terminated from her position at the hospital.

20 FIRST CAUSE FOR DISCIPLINE

21 (Unprofessional Conduct: Dangerous Use of Alcoholic Beverages)

22 18. Respondent has subjected her registered nurse license and public health nurse
23 certificate to discipline under Code sections 2761, subdivision (a), and 2762, subdivision (b),
24 because she engaged in unprofessional conduct by using alcoholic beverages in a dangerous
25 manner or to an extent that her use impaired her ability to practice nursing safely. The
26 circumstances are that on April 2, 2009, while working as a registered nurse at Lucile Salter
27 Packard Children's Hospital in Palo Alto, Respondent tested as having a blood alcohol level of
28

1 approximately .10 percent (above the legal limit for driving, which is .08 percent). The
2 circumstances are described in further detail in paragraphs 14 through 17, above.

3 SECOND CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct: Self-Administration of Controlled Substance Without Prescription)

5 19. Respondent has subjected her registered nurse license and public health nurse
6 certificate to discipline under Code sections 2761, subdivision (a), and 2762, subdivision (a),
7 because she engaged in unprofessional conduct by administering to herself a controlled substance
8 or dangerous drug without a valid prescription. The circumstances are that in a toxicology test
9 she submitted to at the request of the Division of Investigation on April 19, 2011, Respondent
10 tested positive for Nordiazepam, Oxazepam, and Temazepam, without having a valid prescription
11 for those drugs.

12 DISCIPLINARY CONSIDERATION

13 20. To determine the level of discipline to be imposed, if any, Complainant further
14 alleges that in or about July 2009, Respondent applied to enter the Board's diversion program,
15 was subsequently admitted to the program, but was terminated on or about November 8, 2010, for
16 failure to comply with the program requirements.

17 PRAYER

18 THEREFORE, Complainant requests that a hearing be held on the matters alleged in this
19 ~~Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:~~

20 1. Revoking or suspending Registered Nurse License Number 392223, issued to Laura
21 L. Galousin, also known as Laura L. Baker;

22 2. Revoking or suspending Public Health Nurse Certificate Number 47458, issued to
23 Laura L. Galousin, also known as Laura L. Baker;

24 3. Ordering Laura L. Galousin, also known as Laura L. Baker, to pay the Board of
25 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
26 ~~pursuant to Business and Professions Code section 125.3;~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Taking such other and further action as deemed necessary and proper.

DATED: September 19, 2011 Janice Ben
for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2011201997